

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:14-cv-444**

**KENNETH D. BELL, in his capacity as court-
appointed Receiver for Rex Venture Group, LLC
d/b/a ZeekRewards.com,**

Plaintiff,

vs.

**CATHERINE PARKER, XIAOMEI WANG,
BEVERLY DAWN TRCA-KITCHEN,
BIN XU, JOEL BROUGHTON,
FENG GUANG WU, DON FITZ-RITSON,
RUTH KONIG, GUAN JUN ZHANG,
LEON KILLAM, GUO HUA LIANG, SANDRA
GAVEL, YONG SHENG WANG, DEVEY
DEJONG, The Executor or Administrator of
THE ESTATE OF BRUCE RICHARD
FOELLER, BRIAN FUSSEY, SHAO ZHANG
HUANG, JAMES MACELWAIN, EUGENE
VEINOTTE, 0937702 B.C. LTD, MICHAEL
GALLUP, JIA YU WANG, YING LIU,
JANE FERGUSON, ZAHID ALI, and
MEI-PING LIANG,**

Defendants.

CERTIFICATION AND REPORT
OF F.R.C.P. 26(f) CONFERENCE
AND DISCOVERY PLAN

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held by telephone on January 26, 2015 by the undersigned counsel and the following parties in the above captioned case: Devey Dejong, Natalie Foeller, Ruth Konig, and Beverly Trca-Kitchen. While the defendants raised no objections to the proposed dates and discovery items during the call, the Receiver has had difficulty obtaining signatures of the defendants and therefore submits this Certification independently. The Receiver proposes the following:
2. Pre-Discovery Disclosures. The information required by Fed. R. Civ. P. 26(a)(1) will be exchanged within 30 days of the Court's entry of the Scheduling Order.
3. Discovery Plan.
 - a. All discovery shall be commenced in time to be completed by September 30, 2015.

- b. Discovery Limits:
 - i. Maximum of 20 interrogatories by each party to any other party.
 - ii. Maximum of 20 requests for admission by each party to any other party.
 - iii. Depositions: Plaintiff may take a maximum of 5 depositions in addition to a deposition of each Defendant. Defendants may take 10 depositions collectively.
 - iv. Depositions may be conducted by video.
- c. Reports from retained experts under Rule 26(a)(2) will be due
 - i. The Plaintiff's expert report shall be due within 10 days of the Court's entry of the Scheduling Order.
 - ii. Defendants' expert report, if they decide to retain one or more experts, shall be due within 75 days after being served the Plaintiff's expert report.
 - iii. Plaintiff shall have 30 days after being served defendants' expert report to file a rebuttal to defendants' expert report.
 - iv. Supplementations under Rule 26(e) due by August 30, 2015.

4. Other Items.

- a. The parties ☐ request ☒ do not request a conference with the court before entry of the scheduling order.
- b. All potentially dispositive motions should be filed by December 15, 2015.
- c. Settlement:
 - ☐ is likely
 - ☒ is unlikely
 - ☐ cannot be evaluated prior to _____.
 - ☐ may be enhanced by use of the following ADR procedure:
 - ☐ Mediated Settlement Conference
 - ☐ binding arbitration
 - ☐ judicial settlement conference
 - ☐ other _____

The parties agree that the above selected ADR procedure would be most useful if conducted:

- ☐ after resolution of any outstanding dispositive motions, but prior to further discovery;
- ☐ after an initial round of preliminary discovery to be completed by _____(date);
- ☐ after the completion of discovery;
- ☐ after resolution of summary judgment motions, if any;
- ☒ not applicable.

- d. Final lists of witnesses and exhibits under Rule 26(a)(3) are due:

- i. from plaintiff 30 days prior to trial if the case is ultimately tried.
 - ii. from defendants one week after plaintiff submits a final list.
 - e. If the case is ultimately tried, trial is expected to take approximately 5 days.
 - f. [X] The parties have discussed the issue of consent to the jurisdiction of a U.S. Magistrate Judge.
5. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, etc., unmovable scheduling conflicts):

The Protective Order issued by the Court in the case of *Securities and Exchange Commission v. Rex Venture Group, LLC d/b/a ZeekRewards.com et al.*, No. 3:12-cv-519, governs the parties in this case. A copy of the Protective Order has been provided to all parties.

/s/ Irving M. Brenner
Plaintiff's Counsel

Kenneth D. Bell, Receiver
Party

July 9, 2015
Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic copies to counsel of record registered to receive electronic service.

In addition, I have this date served a copy of the foregoing upon the following Defendants by depositing a copy of same in the United States Mail with adequate postage affixed thereto and addressed to:

Beverly Dawn Trca-Kitchen
5505-56 Street
Olds, AB. T4H 1J9
Canada

Ruth Konig
2220 - 2nd Avenue N.W.
Calgary, AB. T2N 0G9
Canada

Devey Dejong
1963 Inter Rovincial Hwy
Abbotsford, BC V3G2H7
Canada

Executor of the Estate of Richard Foeller
c/o Natalie Foeller
PO Box 904
Peterborough, ON K9J7A5
Canada

Sandra Gavel
PO Box 2195
Sechelt BC V0N 3A0
Canada

This 7th day of July, 2015.

s/ Irving M. Brenner